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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

20 \_\_\_\_\_ )  
21 UNITED STATES OF AMERICA, )

22 Plaintiff, )

23 v. )

24 PACIFIC GAS and ELECTRIC COMPANY, )

25 Defendant. )  
26 )  
27 )  
28 )

) Civil Action No. 09-4503 SI

) JOINT STIPULATION FOR  
) CONTINUANCE OF INITIAL CASE  
) MANAGEMENT CONFERENCE  
) AND [PROPOSED] ORDER

1 Pursuant to Local Rule 6-1(b) Plaintiff, the United States of America, and Defendant,  
2 Pacific Gas and Electric Company, hereby stipulate through their undersigned counsel that (1)  
3 the Initial Case Management Conference, which is currently set for 2:30 p.m. on January 22,  
4 2010, be continued until 2:30 p.m. on March 26, 2010, or a date thereafter that is set by the  
5 Court; and (2) that Defendant be given until April 2, 2010, to answer or otherwise respond to the  
6 Complaint.

7 The parties respectfully submit that good cause exists for continuing the Initial Case  
8 Management Conference in this matter as follows:

9 1. On September 24, 2009, the United States concurrently filed a Complaint and  
10 lodged a Consent Decree resolving the claims alleged in the Complaint. (Docket Nos. 1 and 2.)

11 2. In its Notice of Lodging of the Consent Decree (Docket No. 3) the United States  
12 informed the Court that pursuant to 28 C.F.R. § 50.7, the United States would publish a notice of  
13 the proposed settlement in the Federal Register and accept public comment on the proposed  
14 Consent Decree for a period of 30 days. Notice was published in the Federal Register on  
15 October 5, 2009 (74 Fed. Reg. 51170-51171).

16 3. After the notice was published, the United States was contacted by and met with  
17 citizen groups seeking additional information on the proposed settlement.

18 4. On November 16, 2009, the parties filed a Joint Stipulation Extending Time for  
19 Defendant to Answer or Otherwise Respond to Complaint, requesting an extension of the public  
20 comment period, and an extension for PG&E to answer or respond to the Complaint to March 5,  
21 2010.

22 5. The notice extending the public comment period was published in the Federal  
23 Register on November 9, 2009 (74 Fed. Reg. 57703), and the public comment period was  
24 extended to January 8, 2010.

25 6. The United States has received comments and is reviewing and fully considering  
26 the information provided. After this review is completed, the United States will request the  
27 Court to enter, not enter, or take other action concerning the Consent Decree. Therefore, there  
28 may be no need for the Court to hold a case management conference or for the Defendant to

answer the Complaint.

7. The parties therefore respectfully request that the Court postpone the Case Management Conference established in its Order Setting Case Management Conference (Docket No. 10) until 2:30 p.m. on March 26, 2010, or a date thereafter that is set by the Court and that PG&E be given until April 2, 2010, to answer or otherwise respond to the Complaint.

IT IS SO STIPULATED.

I, Bradley R. O'Brien, attest that concurrence in the filing of this joint stipulation has been obtained from Mr. Matthew A. Fogelson, the attorney for Defendant PG&E.

FOR THE UNITED STATES OF AMERICA

January 8, 2010  
Date

/s/Bradley R. O'Brien  
W. BENJAMIN FISHEROW  
ANGELA MO  
BRADLEY R. O'BRIEN  
United States Department of Justice

FOR PACIFIC GAS and ELECTRIC COMPANY

January 8, 2010  
Date

/s/Matthew A. Fogelson  
MATTHEW A. FOGELSON  
Pacific Gas and Electric Company

[PROPOSED] ORDER

GOOD CAUSE APPEARING, IT IS ORDERED that:

- (1) the Initial Case Management Conference, which is currently set for 2:30 p.m. on January 22, 2010, shall be continued until 2:30 p.m. on March 26, 2010, or a date thereafter that is set by the Court; and
- (2) Defendant shall file an answer or otherwise respond to the Complaint by April 2, 2010.

PURSUANT TO STIPULATION, IT IS SO ORDERED.



\_\_\_\_\_  
Date

\_\_\_\_\_  
SUSAN ILLSTON  
UNITED STATES DISTRICT JUDGE